

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.15319 of 2006

DATE OF DECISION: 25.9.2006

Jagraj Singh

....Petitioner

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. V.K. Shukla, Advocate for the petitioner.

J.S. Khehar, J.(oral)

The Finance Department of the State Government sanctioned 50 percent of the posts of Revenue Patwaris, as they existed on 1.1.1986, for being given senior scale. On the basis of the aforesaid determination at the hands of the respondents, it is alleged that persons junior to the petitioner were granted senior scale against the post of Patwari by an order dated 4.5.2000. At the said juncture, the claim of the petitioner is stated to have not been considered. The petitioner, in order to seek senior scale with effect from the date the same was released to his juniors, issued a demand notice dated 15.6.2006 (Annexure P4). It is, however, pointed out that the respondents have not taken any decision thereon till date.

Learned counsel for the petitioner states that the petitioners will be satisfied if the instant writ petition is disposed of with a direction to respondent No.2 i.e. the Deputy Commissioner-cum-Collector, Faridkot, requiring him to take a final decision on the legal notice dated 15.6.2006 (Annexure P4).

Notice of motion.

On our asking, Mr. B.S. Chahal, Assistant Advocate General, Punjab, accepts notice on behalf of the respondents. Learned counsel for the respondents states that he has no objection to the disposal of the instant writ petition in terms of the prayer made by the learned counsel for the petitioner.

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.2 i.e. the Deputy Commissioner-cum-Collector, Faridkot, to consider the claim of the petitioner for the grant of senior scale with effect from the date persons junior to him were allowed the same benefit, by taking a final decision on the legal notice dated 15.6.2006 (Annexure P4), by passing a well reasoned speaking order, within three months from the date of receipt of a certified copy of this order. In case the petitioners is found entitled to any monetary benefits, the same shall be calculated and released to him within a further period of one month. It is clarified that the petitioner would be entitled to arrears for a period of three years and two months before the date of filing of the instant writ petition. It is also clarified that the instant writ petition was filed on 22.9.2006.

Disposed of accordingly.

Order dasti, on payment of usual charges.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

September 25, 2006.
vig